

42 USC
1320d-8.

"(1) GENERAL RULE.—Except as provided in paragraph (2), a provision or requirement under this part, or a standard or implementation specification adopted or established under sections 1172 through 1174, shall supersede any contrary provision of State law, including a provision of State law that requires medical or health plan records (including billing information) to be maintained or transmitted in written rather than electronic form.

"(2) EXCEPTIONS.—A provision or requirement under this part, or a standard or implementation specification adopted or established under sections 1172 through 1174, shall not supersede a contrary provision of State law, if the provision of State law—

"(A) is a provision the Secretary determines—

"(i) is necessary—

"(I) to prevent fraud and abuse;

"(II) to ensure appropriate State regulation

of insurance and health plans;

or procedures established
(Under any law providing for the reporting
of disease or injury,
Child abuse, birth, or death, public health
surveillance, or public
health investigation or intervention.

(c) STATE REGULATORY REPORTING.—Nothing
in this part shall
limit the ability of a State to require a
health plan to report,
or to provide access to, information for
management audits, financial
audits, program monitoring and evaluation,
facility licensure or
certification, or individual licensure or
certification.

or

(IV) "PROCESSING PAYMENT TRANSACTIONS BY
FINANCIAL INSTITUTIONS

for
other
purposes;
or
(ii) address
es
controll
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substan
ces; or
(B) subject
to
section
264(c)
(2) of
the
Health
Insuran
ce Portabil
ity and
Account
ability
Act of
1996,
relates
to the
privacy
of
individu
ally
identifi
able
health
informat
ion.

(b)
PUBLIC
HEALTH.

Nothing
in this
part
shall be
constru
ed
to
invalidat
e or
limit the
authorit
y,
power,

"SEC. 1179. To the extent that an entity is
engaged in activities
of a financial institution (as defined in
section 1101 of the Right
to Financial Privacy Act of 1978), or is
engaged in authorizing,
processing, clearing, settling, billing,
transferring, reconciling, or
collecting payments for a financial
institution, this part and any
standard adopted under this part shall not
apply to the entity
with respect to such activities, including the
following:

"(1) The use or disclosure of information
by the entity
for authorizing, processing, clearing,
settling, billing, transfer
ring, reconciling or collecting a payment
for, or related to,
health plan premiums or health care,
where such payment
is made by any means, including a
credit, debit, or other
payment card, an account, check, or
electronic funds transfer.

"(2) The request for, or the use or
disclosure of, information
by the entity with respect to a payment
described in para
graph (1).—

"(A) for transferring receivables;

"(B) for auditing;

"(C) in connection with—

"(i) a customer dispute; or